

The Gazette



of India

EXTRAORDINARY

PART II—Section 3—Sub-section (i)

PUBLISHED BY AUTHORITY

No. 89]

NEW DELHI, MONDAY, OCTOBER 1, 1962/ASVINA 9, 1884

MINISTRY OF HOME AFFAIRS

NOTIFICATIONS

New Delhi, the 1st October, 1962

G.S.R. 1309—In exercise of the powers conferred by sub-section (1) of section 43 of the Arms Act, 1959 (54 of 1959) and clause (1) of article 258 of the Constitution, the President, with the consent of all the State Governments, entrusts to each such Government the functions of the Central Government under the provisions of the Arms Act, 1959, the Arms Rules, 1962, and the notifications mentioned in column 1 of the Schedule below subject to such conditions as are specified in column 2 thereof and also to the general conditions hereinafter mentioned, namely:—

- (a) that the State Government shall, in the exercise of these functions, be subject to the like control by the Central Government as was exercisable by it immediately before the 1st October, 1962;
- (b) that the State Government shall observe the policies and instructions laid down by the Central Government and shall not enunciate new policies or issue instructions inconsistent with those of the Central Government without the prior consent of that Government;

the entrustment is limited to the territories under the administration of the State Government and is without prejudice to the overall jurisdiction of the Central Government.

SCHEDULE

Provisions of the Act, Rules or notifications	Conditions, if any, subject to which functions have been entrusted
I. Sections of the Act :	
2(4), 4, 10(2), 13(3)(a)(ii)	Nil
17(9)	This entrustment is limited to the territories under the administrative control of the State Government and is without prejudice to the power of the Central Government to revoke or suspend licences throughout the whole or any part of India.
19(1), 22(2), 23, 24	Nil
34	Sanction is to be accorded in consultation with the local Customs authorities.
42(1), 45(b)(i), 45(b)(iii)	Nil

I	2
II. <i>The Arms Rules, 1962:</i>	
(i) <i>Rules—</i>	
2(c)	Nil
II	The restriction is limited to the territories under the administrative control of the State Government.
26, 27, 42(1), 43(3), 48(1)	Nil
57(3)	The entrustment under this rule is of the following power only, namely, by general or special order to remit or reduce the fees payable in respect of the grant or renewal of any licence
	(a) for the transport or possession of sulphur in reasonable quantities proved to the satisfaction of the State Government to be required in good faith for medicinal, agricultural, manufacturing or industrial purposes other than the manufacture of ammunition, or—
	(b) under rule 28 to any person for the import of any arms or ammunition in reasonable quantities proved to the satisfaction of the authority granting the licence to be required in good faith for the protection of persons and property.
61	Nil
(ii) <i>Schedules—</i>	
II—Item Nos. 2, 3(g) and 21	Nil
I II—Licence Form—	
II, condition 3,	} Nil
III, conditions 4, 7 and 10,	
III-A, condition 3,	
IV, conditions 5 and 6,	
V, conditions 6 and 7,	
VI, condition 4,	
VIII, condition 5,	
IX, conditions 2, 3, 8, 11, 12 (proviso) and 14 (in the case of West Bengal & Assam only).	
X, conditions 4 & 5	
XI, conditions 2, 3, 7, 10, 11 (proviso) and 13 (in the case of West Bengal and Assam only).	
XII, XIII, conditions 2, 3, 6, 9, 10 (proviso) and 12 (in the case of West Bengal and Assam only).	
XIV, conditions 3 and 8	
XV, condition 3(a)(ii).	
III. <i>Notifications—</i>	
(I) No. 15/13/59(V)-PIV., dated the 13th July, 1962 (G.S.R. 991, published in the Gazette of India, Part II, section 3(i), dated 28th July, 1962).	
Proviso (b)(i) and (b)(ii)	Nil
Schedule I—column 4 of entry 3(b)	Nil
column 4 of entry 4	Nil
column 1 of entry 6	Nil

1	2
Schedule II—	
entry 1—clauses (3) [proviso in column 2], (4), (5), (9)(a), (9)(b), (12)(b), (13)(a), and 13(b) entry 2—proviso in column 2. entry 3—proviso in column 2.	Nil.
(II) No 15/13/59(VI)—PIV, dated the 13th July, 1962, (G S R. No 993 published in the Gazette of India, Part II, section 3(i), dated 28th July, 1962)	
Table—entry 5.	

[No F. 18/2/62(I)-P. IV]

G.S.R. 1310—In exercise of the powers conferred by clause (1) of article 230 and sub-paragraph (2) of paragraph 18 of the Sixth Schedule of the Constitution, the President hereby directs that the Administrators of the Union territories of Delhi, Himachal Pradesh, Manipur, Tripura, and the Andaman and Nicobar Islands in relation to their respective Union territory and the Governor of Assam in relation to the tribal Areas of Assam specified in Part B of the table appended to paragraph 20 of the Sixth Schedule to the Constitution shall exercise the powers and discharge the functions of the Central Government under the provisions of the Arms Act, 1959 (54 of 1959), the Arms Rules, 1962 and the notifications mentioned in column 1 of the Schedule below, subject to such conditions as are specified in column thereof and also to the general conditions hereinafter mentioned, namely —

- that the Administrator and the Governor of Assam shall in the exercise of these functions be subject to the like control of the Central Government as was exercisable by it immediately before the 1st October, 1962,
- the Administrators and the Governor of Assam shall observe the policies and instructions laid down by the Central Government and shall not enunciate new policies or issue instructions inconsistent with those of the Central Government without the prior consent of the latter, and
- the entrustment is limited to the territories under the administrative control of the Administrator or, as the case may be, the tribal areas aforesaid in the case of the Governor of Assam and is without prejudice to the overall jurisdiction of the Central Government

SCHEDULE

Provision of the Act, Rules or Notifications	Conditions, if any, subject to which functions have been entrusted
I <i>The Arms Act, 1959</i> Sections—	
2(4), 4, 10(2), 13(3) (a)(u). 17(9)	Nil This entrustment is limited to the territories under the administrative control of the Administrator or, as the case may be, the tribal areas in the case of the Governor of Assam and is without prejudice to the power of the Central Government to revoke or suspend licences throughout the whole or any part of India
19(1), 22(2), 23, 24	Nil
34	Sanction is to be accorded in consultation with the local customs authorities
42(1), 45(b)(i) and 45(b)(iii)	Nil

I

2

II. *The Arms Rules, 1962*(i) *Rules—*

- 2(c), 2(f)(iii) Nil
- 11 The restriction is limited to the territories under the administrative control of the Administrator or, as the case may be, the tribal areas in the case of the Governor of Assam.
- 26, 27, 42(1), 43(3), 48(1) Nil
- 57(3) The entrustment under this rule is of the following power only, namely, by general or special order to remit or, reduce the fee payable in respect of the grant or renewal of any licence—
- (a) for the transport or possession of sulphur in reasonable quantities proved to the satisfaction of the Administrator/Governor to be required in good faith for medicinal, agricultural, manufacturing or industrial purposes other than the manufacture of ammunition; or
- (b) under rule 28 to any person for the import of any arms or ammunition in reasonable quantities proved to the satisfaction of the authority granting the licence to be required in good faith for the protection of persons and property.
- 61 Nil

(ii) *Schedules*

- II Item Nos. 2, 3(g) and 21 Nil

III *Licence Forms*

- | | | |
|---|---|-----|
| II, conditions 3 | } | Nil |
| III, conditions 4, 7 & 10 | | |
| III-A, condition 3 | | |
| IV, conditions 5 and 6 | | |
| V, conditions 6 and 7 | | |
| VI, conditions 4 and 7 | | |
| VIII, condition 5 | | |
| IX, conditions 2, 3, 8, 11 and 12 (proviso) | | |
| X, conditions 4 and 5 | | |
| XI, conditions 2, 3, 7, 10 and 11 (proviso) | | |
| XII, conditions 2, 3, 6, 9 & 10 (proviso) | | |
| XIII, conditions 2, 3, 6, 9 & 10 (proviso) | | |
| XIV, conditions 3 and 8 | | |
| XV, condition 3(a)(ii) | | |

(iii) *Notifications*

- (1) No. 15/13/59(V)-P.IV, dated the 13th July 1962 [G.S.R. 991, published in the *Gazette of India*, Part II, Section 3(1), dated 28th July, 1962].

- Proviso (b)(i) & (b)(ii) Nil

Schedule I—

- Column 4 of entry 3(b) Nil
- Column 4(i) of entry 4 Nil
- Column 1 of entry 6 Nil

I

2

Schedule II—

Entry 1—clauses (3) [Proviso in col
 2], (4), (5), (9)(a), 9(b), (12)(b),
 13(a), and (13)(b); } Nil.
 entry 2 (proviso in col. 2),
 entry 3 (Proviso in col. 2), }

(2) No. 15/13/59(VI)-P.IV dated the 13th July 1962 (G.S.R. 993 published in the Gazette of India, Part II, Section 3(i), dated 28th July 1962).

Entry 5 of the Table.

[No. F. 18/1/62 (II)-P. IV]
 FATEH SINGH, Jt. Secy.

